Law Unknown, &

OR,

Judgement Unjuſt.

Wherein is ſhewed, That ſome Perſons were Indicted, Judged, and Condemned at the Seſſions in the *Old Bailey*, *London*, by an *Unknown Law*, neither Printed nor Publiſhed; nor any ways knowable by the common People: Whereby the Inhabitants of this Nation may perceive what unavoidable Bondage and Slavery they are going into.

With a brief *Relation* of the Killing of *John Townesend*, by *Major Crosby* at St. *Albones*, and the proceedings of Court thereupon, in quitting the ſaid *Crosby*, and puniſhing the peaceable ſtanders by: And ſome remarkable Paſſages of Sir *Harbottle Grimſton* in the ſaid Tryal.

Together alſo with certain *Queries*, grounded upon the *Act of Indempnity*, eſpecially recommended to the ſerious Conſideration of the ſaid Sir *Harbottle*, and all the Members of that *Parliament* whereof he was *SPEAKER*.

o

How long will ye Judge unjuſtly: and accept the perſons of the Wicked?

Defend the poor and fatherleſs: do Juſtice to the afflicted and needy.

Deliver the poor and needy: rid them out of the hand of the wicked, Pſal. 82. 2, 3, 4.

Printed in the Year, 1662.

Tx
L21.67m

MAY 21 1929

May 21. 1929

Reader,

I *Know not whether this Paper will ever ſee the light of the ſun, or not; We being fallen into times of ſuch defection, and degeneracy, even from the common principles of the light of Nature, that* Juſtice *and* Righteouſneſs *ſeem baniſhed out of our* Territories, *and prohibited our Courts of* Judicature: *nothing more frequent than to call* Light Darkneſs, *and* Darkneſs Light; Good Evil, *and* Evil Good; *and accordingly to* Juſtifie the Wicked, *and* Condemn the Innocent; *Whereof this Paper contains one ſmall and petty Inſtance, which (compared with the great numbers of its fellows, and many of them much deeper in demerit) may be accounted a ſmaller proportion, than* One, *of a* Thouſand: *To make a particular calculation of all which, as it would be next to an impoſſibillity, (for they may well be called,* Legion, *or rather,* many Legions; *and would make* a ſwelling Volumn, *too big for this age well to bear.) So were it alſo like to be an undertaking of no great advantage; they appear ſo* viſible *in their* own Light, *that he who ſhould go about to* demonſtrate *them, ſhould do little better, than light up a Candle for men to ſee the Light of the Sun: Scarce any man's eyes ſo dim, but he now beholds them in their own Colours; and if there be yet a* Blind man *amongſt us, let him take an exact ſurvey of the proceedings of the Court at the Seſſions, held at the* Old Baily *in* London, *the* 11th *and* 12th *of this inſtant* Auguſt, *and there may he meet with* Eye-ſalve, *for the opening of his Eyes to ſee, the Door opened that leadeth* Engliſh-men *into the* Paradiſe *of* unavoidable Bondage *and* Slavery. *It was then, and there aſſerted once, and again, by him who ſat as Judge at the tryal of ſome men, who were then Indicted and Condemned by them,* That they were not judged by any Act of Parliament, nor Statute Law; *but by the* Common Law, not Printed but Written; *and ſuch which the Judge himſelf profeſſed in open Court,* He had been Studying theſe forty years, and yet did not fully underſtand it; and therefore the Common People muſt be content to be ignorant of it. *Oh* England, England! *Where is thy* Magna Charta? *Or what is become of thy* Liberty, *when thy free-born Subjects ſhall be Indicted, Judged, and Condemned by ſuch a Law, which was never* Printed nor Publiſhed; *and of the knowledge whereof they are no wayes capable?*

A brief RELATION *of the killing of* John Townesend *by Major* Edward Crosby, *the* 4th. *of* May 1662, *at St.* Albones *in the County of* Hartford, *and the Proceedings of Court thereupon.*

Upon the day aforesaid, being Sabbath day, many People being met together in a peaceable manner at the Funeral of one Mrs. *Terril*, and one Mr. *Heaward* preaching unto them in a place called, either the *Cloyster*, or, the *Schoolwhite*; the said *Crosby* come swearing in a furious manner, calling them *Rogues*, and *Rebels*, (without any occasion given him by the People, save onely their being met as aforesaid) and directing his speech to the said *Heaward*, he cried out, *Come down; Why prate you there? Come down, or I will pull you down.* To which *Heaward* replied, *If you have any Authority to command me to come down, I will obey it; but otherwise not.* Then *Crosby* swore, *He would fetch that which should fetch him down*, and so went away; but about half an hour after, he returned again, with a *Pistol* cock'd in his hand; accompanied by one *Tymothy Ratcliffe*, a Constable of the Town, with a Fowling-piece in his hand. At which the People being much affrighted to see two men come against them with *Fire-armes*, some of them cried out, *Murther, Murther.* But *Crosby*, with his assistant *Ratcliffe*, pressed in amongst them; Whereupon the said *John Townsend* uttered these words, *Noble Major, Pray make no disturbance, consider it is the Sabbath day.* Upon which *Crosby* replyed, *You Rogue, do you tell me of the Sabbath day?* and turned himself about towards *Townesend*, (who stood almost behind him) and bending down the muzle of his Pistol, (which before he carried upwards) presented it against *Townesend*, and gave fire upon him, and shot him, that he immediately died upon the place. And afterwards both *Crosby* and *Ratcliffe* made up towards the said *Heaward*. Hereupon there was a great Cry among the People, some crying, *Keep the peace, keep the peace.* Others, *Here is a man kil'd, Constable do your office; apprehend him that kil'd him*, &c.

The Substance of this Relation was proved by substantial Evidence to the Court, and the Jury, and might have been farther testified (with other agravating Circumstances) by *a cloud of Witnesses* more, had not the Justices terrified them through fear, and with threatnings.

Upon all which, ſeveral of thoſe men who were peaceably met together as aforeſaid, were *bound to their good behaviour*, and *Indicted for a Riot*; eſpecially thoſe who cryed, *Conſtable keep the peace, do your office*, &c. But the ſaid *Ratcliffe*, who was aſſiſtant to *Croſby* and came with him armed as aforeſaid, contrary to the Law; and refuſed to do his Office, *&c.* and therefore in the eye of the Law was deeply acceſſary to the Fact, and ought to have been dealt with accordingly; was notwithſtanding (not onely unmoleſted, but) made *Foreman* of the Jury to try *Croſby*, who ſtood Indict d for *Willful Murther*. Yet nevertheleſs (though *Ratcliff* was *Foreman*) the Jury brought in the Bill, *a true Bill*: At which Sir *Harbottle Grimſton* demanded of them, *Will you hang a Man upon ſuppoſition? Can you prove that he came with a full intent to kill him?* or words to that effect. And bid them go again; which they did, ſome of them ſaying, *They meant not to hang him, but thought they had done right; for they intended to do as they were bid*, or words to that purpoſe. But (it ſeems not well underſtanding their Leſſon) the ſecond time they brought the Bill in *Ignoramus*; whereupon the ſaid *Croſby* was quit by *Proclamation*.

Now becauſe this ſtory hath filled the ears, and exerciſed the tongues of many, far and near; Let us reaſon a little with Sir *Harbottle Grimſton* upon ſome *Maxims* of his own. Sir, it was your own obſervation very lately, that, *To ſettle mens eſtates was the way to quiet their mindes*. But how (think you) can we look upon our *Eſtates as ſetled*, or, what *quietneſs* can the mindes of *Engliſh-men* have, when their lives ſhall be in jeopardy every hour, and their perſons obnoxious to be aſſaulted, killed and murthered at the malitious rage of ſuch wicked and ungodly wretches as *Croſby*, if juſtice cannot be had againſt the Murtherers? If *Jehu* had reaſon to demand, *What peace ſo long as the Whordoms of Jezabel, and her Witchcrafts are ſo many?* How much more cauſe have *Engliſh-men* to ſay, *What peaceable ſecurity have we, when the Juſtices upon the Bench*, [and no leſs than a *quondam* Speaker of Parliament] *ſhall countenance the Murtherer*? Or, what *Juſtice* are we like to expect, when ſuch ſhall be made *Foremen* of the *Jury* to try Capital Offenders, who were themſelves *acceſſary* to the Crimes committed? eſpecially if accompanied with ſuch fellow *Jurats*, who ſhall ſay in open Court, *They intended to do as they were bid?* What is the *Law*? or, what is our ſecurity by it when thus perverted, and imployed to puniſh the Innocent, and diſcharge the Guilty? *Peaceable* men bound to their

Your Speech to the King, Aug. 29 1660.

good behaviour, and Indicted as Rioters; and the Constable that assisted the *Murtherer* with *Fire-armes*, made *Foreman* of the *Jury*; and the *Murtherer* quit by *Proclamation* upon an *ignoramus* Verdit. Was there ever the like president before, that a Jury should be turned back when they had *found a Bill*, under the like proofs as in this case; and an *ignoramus* Verdit received? The King hath lost a Subject: This man kill'd him in the face of many Witnesses; in the manner aforesaid: and can the Bill be found *ignoramus*, and he that kill'd him quit thereupon? Where is the Justice of the Judge? —*Wo to thee oh Land* (saith the Wise Man) *when thy King is a Child, and thy Princes eat in the morning.* How much more may we say, *Wo to thee oh Land, when thy Judges are thine Oppressors, and those that should defend the cause of the Fatherless, and the Widow, shall defend the Murtherer, and the Peace-breaker?* Surely such wisdom as this, was not *conveyed by Divine intelligence into the Soul* of the Jugde, but rather inspired from him, who first taught men shifts to evade the dint of a righteous Law. I appeal to you Sir, who so lately was as the *Mouth* of the *Commons of England*, Whether such Justice as this will *Deliver us from our Sufferings?* Or, *Knock off our Shakels?* Or, *Set us at Liberty?* Will such Judges and Judiciary proceedings *turn our Prison into a Paradise of Pleasure, & fill the whole Nation with Joy, Love, and Peace?* If this be the *after-crop*, which the *fair weather* of our *Patience* hath brought forth for us, what food can we expect therefrom, but such as hath *Death* in it? Or, what *contentment* can any of the *Loyal and Faithful* Subjects of the Land receive thereby? Will such *Triacle* as this, *expel the poyson of* John Townsend's *Blood, and make a Sacrifice to appease God's wrath, and satisfie Divine Justice?* Will God be mocked? Can you demand of him, whether *Crosby* intended to kill? Or, would you know his Judgement? Read *Numb.* 35. 16. *And if he smite him with an instrument of iron (so that he die) he is a murtherer; the murtherer shall surely be put to death.* And vers. 31. *Moreover ye shall take no satisfaction for the Life of a murtherer, which is guilty of Death, but he shall be surely put to Death.* But *Crosby* did more then this, his Act had Contrivance, and Deliberation in it; He first *Threatned*, then *fetch'd his Pistol, cock't it*, and *presented it* against *Townesend*, *gave fire* and *kill'd him*; and afterwards *pursued another man.* Certainly this is no more like unto *Murther*, than one Egg is like another; and to say that *Crosbey had an intent to kill a man*, is (without all doubt) as bad as to call a Spade, *a Spade*; or, a Bottle, *a Bottle.* What greater demonstration can you have of the *inward Intention* of

Eccles. 10. 16.

Psal. 82. 2, 3

Gen. 3. 4, 5.

Speech to the King, Aug. 29 1660.

2 *King.* 4. 40.

any *Murtherer*? And yet would you *reject* a Verdict that found him *guilty*, and *quit* him upon an *ignoramus*? *HEAR oh Heavens!* and *GIVE EAR oh Earth!* and Conſider ye Juſtices of the Bench! Think not that God will be mock'd; Or, that Conſiderate Men will alwayes ſhut their Eyes: No, you do not dance in ſuch a Net, but many in City, and in Countrey do look upon you: This Story rings far and near; and is come very nigh unto the Ears of the King's Court. And let all ſuch *folly be made manifeſt that it may proceed no further*.—Our Lord Chriſt ſaith, concerning the Woman that poured the box of Ointment on his Head, *Wheresoever this Goſpel is preached, there ſhall this be told for a memorial of her*. In like manner, whereſoever the name of Sir *H. G.* from henceforth ſhall be mentioned, let this ſtory be told, for the future ſhame, and reproof of all Contrivers of Injuſtice and Unrighteouſneſs in the ſeat of Judicature.

2 *Tim.* 3. 9. *Matth.* 26. 13.

He that Juſtifieth the Wicked, and he that Condemneth the Juſt, even they both are abomination to the Lord, Prov. 17. 15.

Mr. Grimſton's *Speech in Parliament upon the Accuſation and Impeachment of* William Laud, *Arch Biſhop of* Canterbury, *of High Treaſon. Printed in the Year* 1641. *and now Reprinted for publick uſe.*

Mr. Speaker,

THere hath been preſented to the Houſe, a moſt faithful and exact report of the conference we had with the Lords yeſterday, together with the opinion of the Committees that were imployed in that ſervice: That they conceived it fit the Arch Biſhop of *Canterbury* ſhould be ſequeſtred. I muſt ſecond the motion, and with the favour of this Houſe, I ſhall be bold to offer my Reaſons, why I conceive it more neceſſary we ſhould proceed a little further than the deſire of a bare Sequeſtration onely.

Mr. Speaker, Long Introductions are not ſuitable to weighty buſineſs; We are fallen upon the great man, the Arch Biſhop of *Canterbury*; Look upon him as he is in his Highneſs, and he is the Stye of all peſtilential filth, that hath infected the State, and government of the Church, and Common-wealth: Look upon him in his

Dependancies, and he is the man, the onely man, that hath raiſed and advanced all thoſe, that (together with himſelf) have been the Authors and Cauſers of all the Ruines, Miſeries, and Calamities we now groan under. Who is it, but he onely that brought the Earl of *Strafford* to all his great places, and imployments, a fit Inſtrument, and Spirit to act, and execute all his wicked and bloody deſignes in theſe Kingdomes? Who is it, but he only that brought in Secretary *Windebanke* into the place of Secretary and Truſt; the very Broker and Pander to the Whore of *Babylon*? Who is it (Mr. Speaker) but he only, that hath advanced all Popiſh Biſhops? I ſhall name ſome of them, Biſhop *Manwaring*, the Biſhop of *Bath* and *Wells*, the Biſhop of *Oxford*, and Biſhop *Wren* (the leaſt of all) but the moſt unclean one. Theſe are men that ſhould feed Chriſt's Flock, but they are the Wolves that devoured them: The Sheep ſhould have fed upon the Mountains; but the Mountains have eat up the Sheep. It was the happineſs of our Church, when the zeal of God's Houſe did eat up the Biſhops; Glorious and brave Martyrs that went to the Stake in defence of the Proteſtant Religion: But the zeal of theſe Biſhops hath been to eat up, and perſecute the Church. Who is it (Mr. Speaker) but the great Arch Biſhop of *Canterbury*, that hath ſat at the Helme to guide and ſteer them all to the managing of their Projects, that have been ſet on foot in this Kingdom theſe ten years laſt paſt? And rather than he would ſtand out, he hath moſt unworthily truck'd and chaffer'd in the meaneſt of them; as for inſtance, that of Tobacco, wherein thouſands of poor people have been ſtript, and turned out of their Trades, for which they have ſerved as Aprentices: We all know he was the Compounder, and Contractor with them for the Licences, putting them to pay Fines, and Fee, and Farm Rents to uſe their Trades. Certainly (Mr. Speaker) he might have ſpent his time better (and more for his grace) in the Pulpit, than thus ſharking and raking in the Tobacco ſhop.

Mr. Speaker, We all know what he hath been charged withal here in this Houſe; Crimes of a dangerous conſequence, and of tranſcendent nature; No leſs than the ſubverſion of the Government of this Kingdom, and the alteration of the Proteſtant Religion; and this not upon bare information onely, but much of it comes before us already upon clear and manifeſt proofs: And there is ſcarce any buſineſs, grievances, or complaints, come before us in this place, wherein we do not find him intermingled, and as it were twiſted into it; like a buſie and angry Waſp, his ſting in the tail of every

thing. We have this day heard the report of the conference yesterday; and in it the accusations which the *Scotch* Nation have charged him withal; and we do all know he is guilty of the same, (if not more) in this Kingdom.—Mr. Speaker, He hath been and is, the common enemy of all goodness, and good men; and it is not safe that such a Viper should be near his Majesties person, to distil his poyson into his sacred Ears; nor is it safe for the Common-wealth, that he should sit in so eminent a place of Government, being thus accused. We know what we did in the Earl of *Strafford's* Case.

This man is the corrupt Fountain, that hath infected all the Streams; and till the Fountain be purged, we cannot expect to have any clear Channels. I shall be bold therefore to offer my opinion, and if I erre, it is the error of my Judgement, and not my want of zeal and affection to the publick good. I conceive it most necessary and fit, that we should now take up a resolution, to do somewhat, to strike whilst the Iron is hot, and go up to the Lords, in the Name of the Commons of this House, and in the Name of the Commons of *England*, and to accuse him of High Treason; and to desire their Lordships his person may be sequestred, and that in convenient time they may bring up the charge.

Six Queries, seriously propounded to all, but especially recommended to Sir *Harbottle Grimston*, with the rest of the *Members of that Parliament*, whereof he was *SPEAKER*; grounded upon the *Act of Indemnity*; whereby are pardoned all Treasons, *&c.* as therein is mentioned; until the 24th. of *June* 1660, and no longer. Hereupon I Querie,

Querie 1.

1. *WHether such men who after the said* 24th *of* June 1660. *sat and made Lawes as a Parliament, being not called by the Kings Writ according to Law, did not usurp the* Legislative *power of the Nation, contrary to the Laws thereof? And whether this be not implied (at least) in the Preamble to an Act, Entituled,* An Act for confirmation of publick Acts; *Made by the Parliament begun and held at* Westminster, *the* 8th *day of* May 1661?

Querie 2.

2. *Whether such as shall usurpe the* Legislative *Power as aforesaid, be not guilty of* High Treason?

Querie 3.

3. *Whether* (*unleſs an Act of Pardon ſhall be made for them*) *the King may not at any time, when he findes cauſe, give forth Orders to apprehend, impriſon, and try any of them accordingly?*

Querie 4.

4. *Whether the King hath any reaſon to be gracious to, or confide in ſuch men? Or, Whether by the ſame Principles they may not act as much againſt the King, if occaſion ſerve, as they then ſeemed to do for him? For he whoſe Principle will ſerve to break the Law one way, why may it not ſerve him to break it the contrary way another time?*

Querie 5.

5. *Whether if the King ſhould alwayes connive thereat, it would not ſeem* (*at leaſt*) *to a great degree, to juſtifie the uſual plea of his Adverſaries, to make good their former proceedings againſt himſelf, who were wont frequently to plead Neceſſity, and not Law, for the ground, and juſtification of their actions?*

Querie 6.

6. *Whether it be ſafe for the King and Kingdom to let them all eſcape without ſome examples of Juſtice; inaſmuch as their proceedings in this kind ſeems ſo much to juſtifie the Plea of* Neceſſity *practiſed by others heretofore; and likewiſe tends very much to encourage other men in future time to dangerous practiſes upon the ſame principle?*

FINIS.